

H1011 U.S. PTO  
 09/993234  
  
 11/19/01

**CERTIFICATION UNDER 37 CFR 1.10**

**EL809447565US : Express Mail Number**

November 19, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Diane L. Marschang  
Diane L. Marschang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Avi J. Ashkenazi, San Mateo, CA

**Title:** Apo-2L1 and Apo-3 Polypeptides

## 1. Type of Application

☐ This application is for an original, non-provisional application.

[X] This is a divisional application claiming priority to application Serial Number 08/828,683 filed March 31, 1997, the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional )**

89 pages of specification  
5 pages of claims  
1 page(s) of abstract  
12 sheet(s) of drawings  
☐ formal     ☒ informal

### 3. Declaration or Oath

  X   A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

#### 4. Assignment

X The prior application is assigned of record to Genentech, Inc.

**5. Amendments (for continuation and divisional applications)**

- X Cancel in this application original claims 1-33 and 40-45 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$740.00
Total Claims	55	- 20 =	35	X \$18.00	\$630.00
Independent Claims	6	- 3 =	3	X \$80.00	\$240.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
<b>Filing Fee Calculation</b>					<b>\$1,610.00</b>

**7. Method of Payment of Fees**

- X The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,610.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

- X The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing" (paper copy), Request to use computer readable copy of sequence listing from prior application, and certificate re: sequence listing.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

FOI b7E b7C b7D

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in  
the pending prior application until  
\_\_\_\_\_ A copy of the petition for extension of time in the *prior* application  
is attached.

**11. Correspondence Address:**

X Address all future communications to:

Attn: Diane L. Marschang

Respectfully submitted,  
GENENTECH, INC.

Date: November 19, 2001

By: *Diane L. Marschang*  
Diane L. Marschang  
Reg. No. 35,600  
Telephone No. (650) 225-5416



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PATENT TRADEMARK OFFICE

FILED IN 11/20/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Ashkenazi Serial No.: to be assigned Filed: November 19, 2001 For: Apo-2LI and Apo-3 Polypeptides	Group Art Unit: to be assigned Examiner: to be assigned
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Letter and REQUEST TO USE COMPUTER-READABLE SEQUENCE LISTING  
UNDER 37 CFR §1.821(e)

BOX Patent Application  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request that the compliant computer-readable Sequence Listing filed in parent application Serial No. 08/828,683 be used as the computer-readable Sequence Listing for the present, above-identified divisional application.

The paper copy of the Sequence Listing filed herewith is identical to the computer-readable copy of the Sequence Listing filed in parent application Serial No. 08/828,683.

Respectfully submitted,  
GENENTECH, INC.

Date: November 19, 2001

By: Diane L. Marschang  
Diane L. Marschang  
Reg. No. 35,600  
Telephone No. (650) 225-5416



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PATENT TRADEMARK OFFICE

TELETYPE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Ashkenazi Serial No.: to be assigned Filed: November 19, 2001 For: Apo-2LI and Apo-3 Polypeptides	Group Art Unit: to be assigned Examiner: to be assigned
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**CERTIFICATE REGARDING SEQUENCE LISTING**

Box Patent Application  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

I hereby state that the information recorded in computer readable form in accordance with 37 CFR Section 1.821 is identical to the paper copy of the Sequence Listing. I also hereby state that the computer readable form and paper copy of the Sequence Listing do not introduce new matter.

Respectfully submitted,  
GENENTECH, INC.

Date: November 19, 2001

By: Diane L. Marschang  
Diane L. Marschang  
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